

FILED (I)

UNITED STATES BANKRUPTCY COURT · 2009 AUG 11 A 11: 03  
EASTERN DISTRICT OF MICHIGAN

U.S. BANKRUPTCY COURT  
E.D. MICHIGAN-DETROIT

In re:

John P. Peruski

Case No. 04-40384-TJT

Chapter 13

**APPLICATION FOR PAYMENT FROM UNCLAIMED FUNDS**

The undersigned, Peter Butler of El Dorado Locators, applies to the Bankruptcy Court for the Eastern District of Michigan for entry of an order directing the Clerk of the Court to remit to the applicant the sum of \$ 3,817.68, said funds having been deposited into the Treasury of the United States pursuant to an order of the Court as unclaimed funds for creditor Bank of America. The applicant further states that:

1. (Indicate one of the following)

\_\_\_\_\_ Applicant is the creditor named in the above case and states that no other application for this claim has been submitted by or at the request of the creditor

☒ Applicant is the duly authorized representative for the business or corporation named as the creditor. Applicant has reviewed all records of the creditor and states that no other application for this claim has been submitted by or at the request of this creditor. An Affidavit of Creditor is attached and made part of this application.

\_\_\_\_\_ Applicant is either a family member of the deceased creditor or a successor in interest to the individual or business named as the creditor. An original "power of attorney" conforming to the official Bankruptcy Form and/or other supporting documents which indicated the applicants' entitlement to this claim is attached and made part of this application.

2. Applicant has made sufficient inquiry and has no knowledge that this claim has been previously paid, that any other application for this claim is currently

pending before this court, or that any party other than the applicant is entitled to submit an application for this claim.

Page 2 of 2

Application for Payment from Unclaimed Funds

Respectfully submitted this 7<sup>th</sup> day of August, 2009.

Bank of America  
Name of creditor

Peter R. Butler  
Signature of Applicant

Peter R. Butler, Attorney-in-Fact  
Name and Title of Applicant

El Dorado Locators  
Company Name

2521 Cold Creek Trail  
Street Address

South Lake Tahoe, CA 96150  
City and State

530-544-3851  
Telephone number

94-1687665 (B of A)  
Tax Identification

XXX-XX-  
Social Security Number

5  
Claim Number

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I,

Karen Hartford Polk, Assistant Vice President of Bank of America Corporation ("Bank of America"), acting on behalf of Bank of America hereby appoint *Peter R. Butler of El Dorado Locators* in the person of one of its principal officers, as Bank of America's lawful attorney-in-fact to seek recovery of the undistributed, unclaimed, or undelivered tenders of funds of:

**Merrill Lynch in the amount of \$3,817.68**

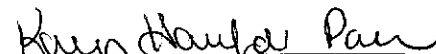
held by the United States, by a state, or by an agency or instrumentality of either, hereby revoking all previous powers of attorney in this regard to whomever granted.

Bank of America further grants the attorney authority to do whatever is necessary and proper to recover the aforementioned unclaimed funds only, as fully as it might or could do if acting through its own officers or agents, hereby confirming all that the attorney shall lawfully do or cause to be done. Nevertheless, the attorney shall have no authority to incur any financial obligation or to make any expenditure on behalf of Bank of America, other than an expenditure payable from any sums recovered by virtue of the attorney's actions.

In construing this instrument where the context so requires, the singular includes the plural. This Power of Attorney shall expire 180 days from the date hereof or upon collection of the aforementioned unclaimed funds, if earlier, unless otherwise extended by an amendment which is attached hereto.

Signed this 20 day of July, 2009.

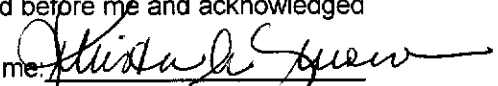
**Bank of America Corporation**

  
**Karen Hartford Polk**  
**Assistant Vice President**

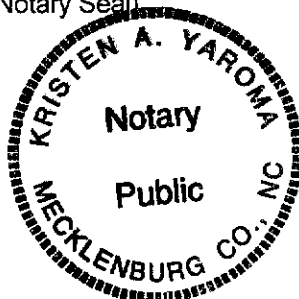
Federal Taxpayer ID 94-1687665\_

State of North Carolina County of Mecklenburg Date: July 20, 2009

The above-named Karen Hartford Polk, known to me to be the individual described in [and holding the position designated in] the foregoing instrument, appeared before me and acknowledged the execution thereof to be his/her free act and deed.

Before me:   
Notary Public

(Notary Seal)



My commission expires: 3/28/2014

UNITED STATE BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN

In re:

John P. Peroski

Case No. 04-40384

Chapter

**AFFIDAVIT OF CLAIMANT**

I, Karen Hartford Polk, do hereby state that I am the claimant to the unclaimed funds released in this application and that I am, to the best of my knowledge, the legal owner of these funds.

Mailing address:

Bank of America

Attn: Karen Hartford Polk

NCI-021-03-40 401 N. Tryon Street  
Charlotte, NC 28255

Phone number:

980-387-5985

Social security number XXX-XX-

If claimant is a corporation, the federal tax ID number 94-1687665

1. Claimant History: Substantiate claimant's right to the claim; i.e. if the payment is to an individual, include a copy of driver's license or state identification card. If a corporation, include purchase agreements regarding the right to ownership. Attached are certified copies of all necessary documentation.

2. I (or the company which I represent) neither have previously received remittance for this claim nor contracted with any other party other than the person named in item one above to recover these funds.

Page 2 of 2

Affidavit of Claimant

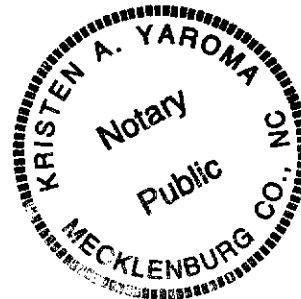
I declare under penalty of perjury that the foregoing copy is true and correct.

Dated: 7/28/2009

Karen Haufel Pac  
Signature of Claimant

Sworn to and Subscribed before me this  
28 day of July, 2009

[Signature]  
NOTARY PUBLIC AT LARGE  
STATE OF North Carolina

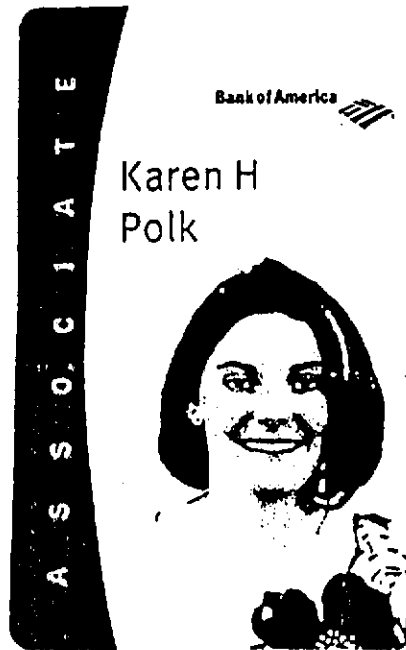


**Bank of America**



Karen Hartford Polk  
Assistant Vice President  
Recovery Solutions  
Recovery Officer

Tel: 704.387.5985 · Fax: 980.233.7721  
karen.a.hartford@bankofamerica.com  
M-J-081-03-40  
Bank of America, NC-023-15-01  
505 North Tryon Street, Charlotte, NC  
401



# United States Bankruptcy Court Eastern District of Michigan

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## Unclaimed Funds Search Result

Case Number	Case Name	Amount	Creditor
04-40384	John P. Peruski	\$13.19	Merrill Lynch 1400 Merrill Lynch Dr. Mailstop 04 BSPRO Pennington, NJ 08534
04-40384	John P. Peruski	\$3817.68	Merrill Lynch 1400 Merrill Lynch Dr. Mailstop 04 BSPRO Pennington, NJ 08534
84-298	Pioneer Packaging & Plastics, Inc.	\$79.60	Merrill Lynch

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN

In re:

John P. Peroski

Case No. 04-40384-TJT

Chapter 13

**PROOF OF SERVICE**

I, the undersigned, hereby certify that on the 7th day of AUGUST,  
2009, a copy of the Application for Payment From Unclaimed Funds by \_\_\_\_\_  
Bank of America \_\_\_\_\_ was served on the

United States Attorney for the Eastern District of Michigan at the following address:

U.S. Attorney for the Eastern District of Michigan  
Attn.: Michael Wicks, Civil Division-Financial Litigation  
211 West Fort Street, Suite 2001  
Detroit, MI 48226-3211

Dated: 8/7/09

By: [Signature]



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN

In re:

John P. Perusk;

Case No. 04-40384-TJT  
Chapter 13

**ORDER FOR PAYMENT OF UNCLAIMED FUNDS**

Upon application and in accordance with the provisions of 28 U.S.C. Section 2042, that following a review of the sufficiency of the Affidavit of Claimant information that the claimant is properly entitled to said funds, and that the U.S. Attorney for the Eastern District of Michigan was provided a copy of this application with a proof of service attached to the application,

**IT IS ORDERED** that the Clerk of the U.S. Bankruptcy Court remit to

Bank of America\*

, the sum of

Three thousand eight hundred seventeen and <sup>68</sup>/<sub>100</sub> — dollars (\$3,817.68), of unclaimed

funds held in the U.S. Treasury.

\* c/o El Dorado Locators  
2521 Cold Creek Trail  
South Lake Tahoe,  
CA 96150

\_\_\_\_\_  
United States Bankruptcy Judge

Dated: \_\_\_\_\_

Katherine B. Gullo, Clerk  
U.S. Bankruptcy Court

By: \_\_\_\_\_  
Deputy Clerk

## Request for Taxpayer Identification Number and Certification

Give form to the  
requester. Do not  
send to the IRS.

Print or type  
See Specific Instructions on page 2.

Name (as shown on your income tax return) <b>Bank of America, N.A.</b>	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ ..... <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.) <b>401 North Tryon Street NC1-021-03-40</b>	Requester's name and address (optional)
City, state, and ZIP code <b>Charlotte, NC 28255</b>	
List account number(s) here (optional)	

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	
<b>94</b>	<b>1687665</b>

### Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶ <i>Karen Haysford Pen</i>	Date ▶ <i>1/21/2009</i>
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### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

#### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

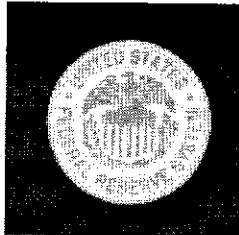
**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,



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Please complete the following search criteria to continue your search process for the organization hierarchy of MERRILL LYNCH & CO., INC. (1246140).

<b>Starting From:</b> <input checked="" type="radio"/> MERRILL LYNCH & CO., INC.		<input checked="" type="radio"/> Parent(s) of MERRILL LYNCH & CO., INC. <b>BANK OF AMERICA CORPORATION</b>
<b>Institution Type:</b> <input checked="" type="radio"/> Standard Organization Hierarchy	<input type="radio"/> Organization Hierarchy Identifying HMDA Respondents	
<b>Institution Types Included:</b>		<b>As of year end</b>
<input checked="" type="checkbox"/> All		<input checked="" type="checkbox"/> 2007
<input type="checkbox"/> Commercial Bank		<input type="checkbox"/> 2008
<input type="checkbox"/> Cooperative Bank		
<input type="checkbox"/> Credit Union		
<b>Organization as of date (mm/dd/yyyy) format:</b> <input type="text" value="08/07/2009"/>		
<b>Report Format:</b> <input checked="" type="radio"/> HTML <input type="radio"/> PDF		
The report will default to PDF format if over 200 institutions satisfy the search criteria.		

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